

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

LUCA SMITH,

Plaintiff,

v.

Civil Action No. 2:13-cv-08511

ETHICON, INC., et al.,

Defendants.

MEMORANADUM OPINION AND ORDER

On November 16, 2020, I entered an order directing plaintiff to show cause on or before December 16, 2020, why his case should not be dismissed as to Ethicon, Inc., Ethicon, LLC and/or Johnson & Johnson for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure and Rule 41.1 of the Local Rules of Civil Procedure.

Plaintiff did not respond to the Show Cause Order. The court **ORDERS**, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure and Rule 41.1 of the Local Rules of Civil Procedure and after weighing the factors identified in *Ballard v. Carlson*, 882 F.2d 93, 95 (4th Cir. 1989), that Ethicon, Inc., Ethicon, LLC and Johnson & Johnson are dismissed without prejudice. No defendants remain, and the court **DIRECTS** the Clerk to dismiss the case and strike it from the active docket.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: December 17, 2020


JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE